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E-filed 1/11/06

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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,)
14 Plaintiff,)
15 v.)
16 1. 1997 BMW 328i;)
17 2. 1999 NAUTIQUE SKI BOAT AND)
18 TRAILER; and;)
19 3. 1999 CHEVY TAHOE,)
20 Defendants.)

No. C 01-20988 JF (HRL)

STIPULATION AND [~~PROPOSED~~] ORDER
FOR FURTHER STAY OF ACTION

21 IT IS HEREBY STIPULATED by and between plaintiff United States of America and
22 claimant Michael Johnston, through undersigned counsel, that the Court further extend the stay
23 in the above-captioned action for approximately 6 months. Michael Johnston, the sole claimant I
24 this action, is currently awaiting trial in a related criminal prosecution in this district which is
25 captioned, United States v. Michael Johnston, et al. (Case no. CR 04-20179 JF). The allegations
26 in the forfeiture complaint are based, in large part, on the allegations at issue in the pending
27 criminal action. At the request of the parties, the Court previously issued an order staying this
28

1 action. The factual predicate for that request has not changed as counsel are advised that the
 2 criminal case is still ongoing. Consequently, the parties agree that extending the stay in the
 3 forfeiture proceeding continues to be appropriate in order to preserve Mr. Johnston's right
 4 against self-incrimination in the related criminal case. Accordingly, the parties request that the
 5 Case Management Conference currently set for January 13, 2006, at 10:30 a.m. be vacated, and
 6 that the matter be set for further status in approximately 6 months.

7
 8 DATED: 01/06/06

DATED: 01/06/06

9
 10 /S/
 11 STEPHANIE M. HINDS
 12 Assistant United States Attorney

/S/
 ERIC J. SIDEBOTHAM
 Attorney for Claimant Michael Johnston

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 14 IT IS HEREBY ORDERED:

15 Upon the stipulation of counsel, and good cause appearing, the above-entitled civil
 16 forfeiture action is stayed in light of the pending related criminal prosecution of Michael
 17 Johnston. The case management conference currently scheduled for January 13, at 10:30 a.m. is
 18 vacated and the matter is continued until 7/14/06 for status.

19
 20 DATED: 1/11/06

21 JEREMY FOGEL
 22 United States District Judge

